

REMARKS/ARGUMENTS

Claims 8-14 are in the case. The applicants have studied the Office Action mailed July 8, 2008 and believe the application is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Although Applicants cancelled nonmethod claims, Applicants are not conceding in this application that the original claims are invalid for being unpatentable, as the present claim cancellations are for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in this present application and one or more continuations and/or divisional patent applications.

Claims 1 - 21 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 21 of U.S. Patent No. US 6944857. This rejection is respectfully traversed.

It is the Examiner's position that "claims 1 - 21 of 09/687033 and claims from US 6944857 are essentially identical in structure and are just merely obvious modifications of each other." The applicants respectfully disagree.

For example, claim 8 is directed to a "method of installing an application program for execution on a data processing system, said method comprising: defining a user configuration of the application program installation corresponding to a particular user of the application program installed on a first data processing system; encrypting and storing the user application program installation configuration in a manifest file; determining that the stored user application program installation configuration corresponds to the particular user; authenticating the particular user in response to the particular user requesting the application program for installation on a second data processing system; decrypting the manifest file in response to the user authentication; and building the application program on the second data processing system in a configuration customized to conform to the user application program installation configuration decrypted from the manifest file." As explained in greater detail in the present specification, such an arrangement permits in one embodiment:

“[t]he user [to] move from a first workstation **12** on which the application program is installed to a different second workstation **12** on LAN **10** and still be able to access the user’s tools and data which may be downloaded and installed on the second workstation **12** in a similar fashion to the download and installation on the first workstation **12**.”

Present specification, page 12.

The Examiner has cited no portion of method claims 8-14 of US 6944857 requiring “defining a user configuration of the application program installation corresponding to a particular user of the *application program installed on a **first** data processing system*; encrypting and storing the user application program installation configuration in a manifest file; determining that the stored user application program installation configuration corresponds to the particular user; authenticating the particular user in response to the particular user *requesting the application program for installation on a **second** data processing system*; decrypting the manifest file in response to the user authentication; and *building the application program on the **second** data processing system* in a configuration customized to conform to the user application program installation configuration decrypted from the manifest file” as required by claim 8 of the present application [emphasis added]. On the contrary, method claims 8-14 of US 6944857 appear to be directed to *updating* a program on a local data processing system. It is therefore respectfully submitted that the claims of the present application are different from and unobvious over the claims of US 6944857.

Claims 1, 8 and 15 have been rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 2, 7 and 11 of U.S. Patent No. US 7089553. The rejection is respectfully traversed.

It is the Examiner’s position that “claims 1 - 21 of 09/687033 and claims from US 7089553 are essentially identical in structure and are just merely obvious modifications of each other.” The applicants respectfully disagree.

Here too, it is respectfully submitted that the Examiner has cited no portion of method claim 7 of US 7089553 requiring “defining a user configuration of the application program installation corresponding to a particular user of the *application program installed on a **first** data processing system*; encrypting and storing the user application program installation configuration

in a manifest file; determining that the stored user application program installation configuration corresponds to the particular user; authenticating the particular user in response to the particular user *requesting the application program for installation on a **second** data processing system*; decrypting the manifest file in response to the user authentication; and *building the application program on the **second** data processing system* in a configuration customized to conform to the user application program installation configuration decrypted from the manifest file” as required by claim 8 of the present application [emphasis added]. On the contrary, method claim 7 of US 7089553 appears to be directed to *downloading* a program for building on a local data processing system. It is therefore respectfully submitted that the claims of the present application are different from and unobvious over the cited claims of US 7089553.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner’s comments are deemed moot in view of the above response.

Conclusion

For all the above reasons, Applicant submits that the pending claims 8-14 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

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